IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

Crl.Rev.Pet.No. 1089 of 2000()

CRA.1/1998 of SESSIONS COURT, KOZHIKOE
CC.20/1994 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOZHIKODE

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REVN. PETITIONER:

SIDDIQUE, S/O.MOYINKUTTY,
CHENNAKKAL CHEBROTTIL HOUSE,
CHELAMBRA AMSOM,
ERNADU TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

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1. K.P.LATHEEF, S/O.MAMMU,
PULIKKAPARAMBA, ARAFA HOUSE,
BEYPORE AMSOM OF KOZHIKODE TALUK.

2. CIRCLE INSPECTOR OF POLICE KASABA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.P.V.KUNHIKRISHNAN
PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.R.P.No.1089 of 2000-A

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Dated this the 5th day of September, 2007

O R D E R

The revision petitioner is PW.1 in C.C.No.20/1994 in the file of the Judicial Magistrate of the First Class-III, Kozhikode, with respect to the offence under Section 379 I.P.C on the allegation that 67 metres of telephone cable kept near Kallai bridge was cut and removed by the accused. The accused/respondent was convicted by the trial court and on appeal the Sessions Judge acquitted him.

2. The evidence adduced in the matter consisted of the testimony of PWs.1 to 13, Exts.P1 to P8 and MOs.1 to 3. It was found by the trial court that there was no evidence at all to connect the accused with the theft. The recovery was not properly proved. PWs.3 to 5 turned hostile. The trial court had convicted the accused relying on the statement given to the police by PWs.3 to 5. Further more, no eye witnesses were examined, although it is evident from the testimony of PW.1 that there were eye witnesses to the incident.

In the circumstances and considering the evidence adduced in the matter, I find no ground to interfere with the findings of the Sessions Judge in exercise of the revisional jurisdiction. The criminal revision petition is accordingly dismissed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.1089 of 2000-A

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O R D E R

5th September, 2007